

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7252

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RASHAD CUNNINGHAM,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Henry Coke Morgan, Jr., Senior District Judge. (4:04-cr-00127-HCM-JEB-1)

Submitted: October 14, 2008

Decided: October 20, 2008

Before KING, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Rashad Cunningham, Appellant Pro Se. Fernando Groene, OFFICE OF THE UNITED STATES ATTORNEY, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rashad Cunningham appeals the district court's order denying his motion to compel the Government to file a Fed. R. Crim. P. 35(b) motion to reduce his sentence for substantial assistance. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Cunningham, No. 4:04-cr-00127-HCM-JEB-1 (E.D. Va. Nov. 17, 2006). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED